

DEC 13 2007

VIA FACSIMILE - 3 SHEETS
TO FAX NO. 571-273-8300
Atty. Docket No.: 3381-Z
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
Terence W. Barrett
Serial No. 10/765,990
Filed: January 29, 2004
For: Method and System of Orthogonal Signal Spectrum Overlay (OSSO) for Communications
Group Art Unit 2661

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

[X] under 37 CFR 1.97(b).

(Within three months of filing national application; or date of entry of international application; or before mailing date of first Office action on the merits; whichever occurs last.)

Applicant submits herewith Form PTO 1449-Information Disclosure Citation together with copies of patents, publications or other information of which applicant is aware, which applicant believes may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

The relevance of the attached reference is that this is the closest art of which applicant is aware.

The Archer (US 5,640,423) patent is specific that $T_a = NT_e$ (see Fig. 1 of patent), where N is number of orthogonal signals, T_a is the symbol rate of the compressed symbol, and T_e is the effective symbol rate of conventional QAM. However, in the case of the present invention method, $T_a \neq NT_e$. To achieve spectral efficiency, with the present invention method $T_a < NT_e$. The relation $T_a = NT_e$ specific to the Archer patent implies a linear increase in the time-bandwidth product as N increases. However, in the case of the present invention, the relation is, and must be, nonlinear. Significantly, only with a nonlinearly increasing time-bandwidth product as N increases are spectral efficiency gains to be expected. The Archer method cannot obtain superior spectral efficiency.

An amendment is filed concurrently herewith to better define the invention over this newly discovered prior art.

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Applicant submits that the above reference neither anticipates nor renders obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,

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Attachments:

Form PTO-1449

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Date: December 13, 2007

In the event this paper is deemed not timely filed, the applicant hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 26-0090 along with any other additional fees which may be required with respect to this paper.

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature: *Jim Zeger*
Jim Zeger

Date: December 13, 2007